

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRANSCIENCE CORPORATION and) Civil Action No. 13 CV 6642
YOLANDA VON BRAUNHUT,)
Plaintiffs,) **NOTICE OF MOTIONS IN LIMINE**
-against-)
BIG TIME TOYS, LLC,)
Defendant/Counterclaimant.)
-----x
BIG TIME TOYS, LLC,)
Third Party Plaintiff,)
-against-)
YOLANDA VON BRAUNHUT, JANE)
DOES 1-3, and JOHN DOES 1-3,)
Third Party Defendants.)
-----x

To: William Timmons, Esq.
25 Candee Avenue.
Sayville, New York 11782

PLEASE TAKE NOTICE that Defendant Big Time Toys, LLC, by their undersigned counsel, will move this Court before the Honorable Edgardo Ramos, United States District Judge, at the United States District Courthouse for the Southern District of New York, 40 Foley Square, New York, New York 10007, pursuant to Federal Rules of Civil Procedure regarding

various motions in limine addressing the presentation of evidence and testimony at trial, including:

- 1) Plaintiff's ability to maintain claims of trademark infringement because Plaintiff is not the owner of same;
- 2) Plaintiff must be prohibited from alleging counterfeiting;
- 3) Plaintiff cannot raise the issue of licensee estoppel;
- 4) Plaintiff's unjust enrichment claim must be dismissed;
- 5) Plaintiff is precluded from introducing any testimony/evidence related to Beth Harwell;
- 6) Plaintiff is not entitled to punitive damages;
- 7) Plaintiff's trademark damages must be limited;
- 8) Plaintiff's unjust enrichment damages must be limited to those costs that are certain and traceable.

PLEASE TAKE FURTHER NOTICE that Big Time Toys shall rely upon the enclosed Memorandum of Law and Declaration of Jeffrey G. Kramer; and

Dated: April 3, 2017

Respectfully submitted,

EPSTEIN BECKER & GREEN, P.C.

/s/ Sheila A. Woolson
Sheila A. Woolson
Jeffrey G. Kramer (*pro hac vice*)
EPSTEIN BECKER & GREEN, P.C.
One Gateway Center, 13th Floor
Newark, NJ 07102
973-642-1900
swoolson@ebglaw.com

CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2017 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all counsel of record. I certify under penalty of perjury that the foregoing is true and correct, this 3rd day of April, 2017.

/s/ Sheila A. Woolson